

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEANNETTE FULLER HAUSLER as Successor
Personal Representative of the Estate of
ROBERT OTIS FULLER ("BOBBY
FULLER"), Deceased, on behalf of THOMAS
CASKEY as Personal Representative of the
Estate of LYNITA FULLER CASKEY,
surviving daughter of ROBERT OTIS FULLER,
THE ESTATE OF ROBERT OTIS FULLER,
FREDERICK FULLER, FRANCIS FULLER,
GRACE LUTES, JEANNETTE FULLER
HAUSLER and IRENE MOSS,

Petitioner,

-against-

JPMORGAN CHASE BANK, N.A.,
CITIBANK, N.A., UBS AG, THE ROYAL
BANK OF SCOTLAND N.V. (FORMERLY
KNOWN AS ABN AMRO BANK N.V.), and
BANK OF AMERICA, NATIONAL
ASSOCIATION,

Garnishee-Respondents.

09 Civ. 10289 (VM)

Related to JPM Chase/Citibank
Turnover Proceeding

In Respect of a Judgment
Entered in the State of Florida,
Case No. 02-12475-CA-09

**WAIVER OF THE SERVICE
OF SUMMONS**

JPMORGAN CHASE BANK, N.A.,
CITIBANK, N.A., UBS AG, THE ROYAL
BANK OF SCOTLAND N.V. (FORMERLY
KNOWN AS ABN AMRO BANK N.V.), and
BANK OF AMERICA, NATIONAL
ASSOCIATION.

Garnishee-Respondents
and Third-Party
Petitioners.

-against- :

BANCO FINANCIERO INTERNACIONAL
S.A., BANCO INTERNACIONAL DE
COMERCIO, S.A., BANCO NACIONAL DE
CUBA, BANCO POPULAR DE AHORRO,
ABBOTT LABORATORIES, INC., as successor
to Quimica Knoll de Mexico, S.A. de C.V.,

AEROFLOT LINEAS AEREAS SOVIETICAS, :
ALBET INGENIERA Y SISTEMAS, BANCO :
BILBAO VIZCAYA ARGENTINA, S.A., :
BANCO BILBAO VIZCAYA ARGENTINA :
PANAMA, S.A., as successor to Banco Exterior :
Panama, S.A., BANCO DE CREDITO DEL :
PERU, as successor to Financiera Nacional S.A., :
BANCO DE ESPANA, BANCO ESPANOL DE :
CREDITO, BANCO MONEX S.A., BANCO :
NACIONAL DE MEXICO, S.A., BANCO :
PAULISTA S.A., BNP PARIBAS, BNP :
PARIBAS ESPANA, S.A., BANCO :
SANTANDER S.A., BANCO SANTANDER :
TOTTA, S.A., as successor to Banco Totta & :
Acores S.A., CAJA DE AHORROS Y MONTE :
DE PIEDAD DE MADRID, CASA DE :
CAMBIO MONEX, S.A., CREDIT SUISSE :
GROUP AG, as successor to Swiss American :
Securities, DRESDNER LATEINAMERIKA :
A.G., as successor to Dresdner Bank :
Lateinamerika A.G., ESTUDIOS MERCADOS :
Y SUMINISTROS S.L., GREEN DOWA :
HOLLAND BV, HSBC TRINKAUS & :
BURKHARDT AG, ING BANK N.V., :
INSTITUTO DE CARDIOLOGIA Y CIRUGIA :
CARDIOVASCULAR CUBA, :
INTERNATIONAL HANDLERS, INC., JSC :
ZARUBEZHTSVETMET, LTU :
LUFTRANSPORT-UNTERNEHMEN GMBH, :
NOVAFIN FINANCIERE S.A., PETROLEOS :
DE VENEZUELA S.A., PHILIPS MEXICANA :
S.A. DE C.V., PREMUDA S.P.A., SANPAOLO :
BANK S.A., SELECMAR SHIP :
MANAGEMENT, TUI UK LTD., as successor :
to Britannia Airways Ltd., TRYG :
FORSIKRING, as successor to Baltica Bank and :
Baltica Forsikring, UNION BANCAIRE :
PRIVEE, VITOL ENERGY (BERMUDA) LTD :
and JEANNETTE FULLER HAUSLER as :
Successor Personal Representative of the Estate :
of ROBERT OTIS FULLER ("BOBBY" :
FULLER"), Deceased, on behalf of THOMAS :
CASKEY as Personal Representative of the :
Estate of LYNITA FULLER CASKEY, :
surviving daughter of ROBERT OTIS FULLER, :
THE ESTATE OF ROBERT OTIS FULLER, :
FREDERICK FULLER, FRANCIS FULLER, :

GRACE LUTES, JEANNETTE FULLER :
HAUSLER, and IRENE MOSS, :
Adverse Claimants- :
Respondents. :
-----x

WAIVER OF THE SERVICE OF SUMMONS

To: David Joffe, Esq.
Davis Polk & Wardwell, LLP
Attorneys for JPMorgan Chase Bank, N.A., Citibank, N.A.,
UBS AG, The Royal Bank of Scotland, N.V., and
Bank of America, National Association

I have received your request to waive service of a summons in this action along with a copy of the petition in this action along with a copy of the petition, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

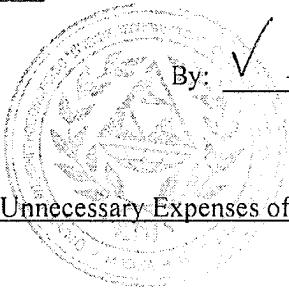
I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 of the Federal Rules of Civil Procedure within ninety (90) days from March 10, 2011, the date when this request was sent. If I fail to do so, a default judgment will be entered against me or the entity I represent.

Dated: Moscow, Russia

OJSC Zarubezhstvetmet
(ОАО «Зарубежцветмет»)

APR. 28. 2011

By: 

✓ E. M. Belyayev

Explanation of Duty to Avoid Unnecessary Expenses of Serving a Summons is Attached

DUTY TO AVOID UNNECESSARY EXPENSES OF SERVING A SUMMONS

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

“Good cause” does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant’s property.

If the waiver is signed and returned, you can still make all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 of the Federal Rules of Civil Procedure on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

